

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

894V0554

HOUSE ENGROSSED NO. **SB 90** - 03/11/2014

Introduced by: Senators Brown, Holien, Lederman, Maher, Novstrup (Al), Peters, Rave, Tidemann, Tieszen, Van Gerpen, and White and Representatives Gosch, Bolin, Cronin, Hoffman, Lust, Mickelson, Novstrup (David), and Romkema

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the High School
2 Activities Association.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-36-4 be amended to read as follows:

5 13-36-4. The school board of a public school, approved and accredited by the secretary of
6 the Department of Education, may delegate, on a year to year basis, the control, supervision, and
7 regulation of any high school interscholastic activities to any association which is voluntary and
8 nonprofit if ~~membership~~:

9 (1) Membership in such association is open to all high schools approved and accredited
10 pursuant to this section, including any school that allows participation by students
11 receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions
12 of this title, ~~and if the~~:

13 (2) The constitution, bylaws, and rules of the association are subject to ratification by the
14 school boards of the member public school districts and the governing boards of the



1 member nonpublic schools and include a provision for a proper review procedure and
2 review board;

3 (3) The report of any audit required by § 13-26-5 is made public on the association's
4 website as well as the Department of Legislative Audit's website;

5 (4) The association complies with the provisions of chapter 1-25 and chapter 1-27.
6 However, any such association, and its employees, meetings, and records, are
7 afforded the same exemptions and protections as a political subdivision or public
8 body is provided under chapter 1-25 and chapter 1-27; and

9 (5) The association shall report to the Government Operations and Audit Committee
10 annually, or at the call of the chair.

11 The governing body of a nonpublic school, approved and accredited by the secretary of the
12 Department of Education, or the North Central Association Commission on Accreditation and
13 School Improvement (NCA CASI), or the Association of Christian Schools International
14 (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools
15 International (CSI), or National Lutheran School Accreditation (NLSA), or Wisconsin
16 Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis,
17 the control, supervision, and regulation of any high school interscholastic activities to any
18 association which is voluntary and nonprofit if membership in such association is open to all
19 high schools approved and accredited pursuant to this section, including any school that allows
20 participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to
21 the provisions of this title, and if the constitution, bylaws, and rules of the association are
22 subject to ratification by the school boards of the member public school districts and the
23 governing boards of the member nonpublic schools and include a provision for a proper review
24 procedure and review board.

Any association which complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools. Such association may promulgate reasonable uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation of such rules.

Section 2. That § 1-25-2 be amended to read as follows:

1-25-2. Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business.

However, any official action concerning such matters shall be made at an open official meeting.

An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section may be construed to prevent an executive or closed meeting if the federal or state Constitution or the federal or state statutes

1 require or permit it. A violation of this section is a Class 2 misdemeanor.